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JC903 U.S. PTO
10/05/05
01/25/02

January 25, 2002

ATTORNEY DOCKET NO.: REGEN1260-3

Parent Application No.: 09/396,003

Parent Filing Date: September 13, 1999

Parent Inventors: Roger Y. Tsien, Roger Heim and Andrew Cubitt

Box PATENT APPLICATION

Commissioner for Patents

Washington, D.C. 20231

Presented for filing is a new **Continuation** patent application of:

Applicants: **Roger Y. Tsien, Roger Heim and Andrew Cubitt**

Title: **TANDEM FLUORESCENT PROTEIN CONSTRUCTS**

This is a request for filing a **continuation** application under 37 C.F.R. § 1.53(b), of prior U.S. Application Serial No. 09/396,003 filed September 13, 1999, which is a continuation of U.S. Serial No. 08/792,553, filed January 31, 1997 (now U.S. Patent No. 5,981,200), which is a continuation-in-part of U.S. Serial No. 08/594,575, filed January 31, 1996.

The prior application is assigned of record to two entities: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, by virtue of an assignment submitted to the Patent and Trademark Office for recording on April 23, 1996, at Reel 0859, Frame 4575. The second entity is AURORA BIOSCIENCES CORPORATION, by virtue of an assignment submitted to the Patent and Trademark Office for recording on June 18, 1997, at Reel 8591, Frame 0069.

Enclosed are the following papers, including all those required to receive a filing date under 37 CFR § 1.53(b):

<p>"EXPRESS MAIL" Mailing Label Number: EV 016 236 959 US Date of Deposit: January 25, 2002</p> <p>I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to the BOX PATENT APPLICATION, Commissioner for Patents, Washington, D.C. 20231</p> <p>ALDON GRIFFIS (TYPED OR PRINTED NAME OF PERSON MAILING PAPER)</p> <p><i>Aldon Griffis</i> (SIGNATURE OF PERSON MAILING PAPER OR FEE)</p>

SILICON VALLEY SAN DIEGO SAN DIEGO/GOLDEN TRIANGLE SAN FRANCISCO AUSTIN SEATTLE SACRAMENTO LA JOLLA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Tsien <i>et al.</i>	Art Unit:	Unassigned
Application No.:	To be assigned	Examiner	Unassigned
Filed:	Herewith		
Title:	TANDEM FLUORESCENT PROTEIN CONSTRUCTS		

Box PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

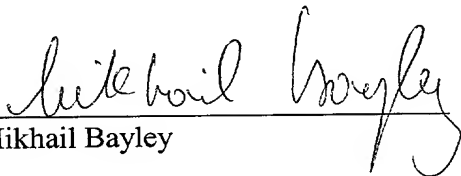
VERIFIED STATEMENT UNDER 37 C.F.R. § 1.821(f)

Sir:

I, Mikhail Bayley, declare that I personally prepared the paper and the computer-readable copies of the Sequence Listing filed herewith in the above-entitled case and that the content of both is the same.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of The United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 01/24/2002


Mikhail Bayley

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133

Customer Number: 28213

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"EXPRESS MAIL" LABEL NUMBER EV 016 236 959 US DATE OF DEPOSIT January 25, 2002

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO BOX PATENT APPLICATION, COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231

Aldon Griffis

(TYPED OR PRINTED NAME OF PERSON MAILING PAPER)

(SIGNATURE OF PERSON MAILING PAPER OR FEE)

GRAY CARY WARE & FREIDENRICH LLP

**ATTORNEY DOCKET NO.: REGEN1260-3
BOX PATENT APPLICATION**

January 25, 2002

Page Three

Enclosed is Check No. 499591 in the TOTAL amount of \$1,794.00; which consists of \$740.00 for the basic filing fee, \$270.00 for Fifteen (15) total additional claims over 20 claims and \$504.00 for Six (6) total additional claims over 3 independent claims. The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A duplicate copy of this Transmittal is enclosed.

If this application is found to be INCOMPLETE, or if a telephone conference would otherwise be helpful, please call the undersigned at (858) 677-1456.

Kindly acknowledge receipt of this application by returning the enclosed postcard.

Please send all correspondence to:

Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
Telephone: (858) 677-1456
Facsimile: (858) 677-1465

Very truly yours,

GRAY CARY WARE & FREIDENRICH LLP

January 25, 2002

Date



Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (858) 577-1456

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LAH/RJI:ag
Enclosures

GRAY CARY WARE & FREIDENRICH LLP

ATTORNEY DOCKET NO.: REGEN1260-3
BOX PATENT APPLICATION

January 25, 2002

Page Two

	<u>Pages</u>
Specification	62
Claims	9
Abstract	1
Signed Declaration/POA (from parent)	2
Formal Drawings	10

Enclosures:

- Preliminary Amendment (18 pages with Exhibit A);
- Copy of One (1) Month Extension of Time from Parent (2 pages);
- Verified Statement Under 37 C.F.R. § 1.821(f) (1 Page);
- Statement Under 37 C.F.R. §§ 1.821(f) and (g) (1 Page);
- Sequence Listing Hard Copy (10 Pages);
- Sequence Listing Computer Copy (1 Disk);
- Appointment of Associate Attorney (2 pages);
- Check No. 499591 in the amount of \$1,794.00; and
- Return Receipt Postcard.

This application is a **continuation** and claims the benefit of priority under 35 USC § 120 of U.S. Application Serial No. 09/396,003 filed September 13, 1999; which claims priority under 35 USC § 120 of U.S. Application Serial No. 08/792,553 filed January 31, 1997, issued as U.S. patent 5,91,200; which claims priority under 35 USC § 120 of U.S. Application Serial No. 08/594,575 filed January 31, 1996. The disclosure of the prior applications is considered part of and is incorporated by reference in the disclosure of this application.

	Number Filed		Number Extra		Rate			Fee	
					Small Entity	Large Entity		Small Entity	Large Entity
Total Claims	35-20	=	15	X	\$09	\$18	=		\$ 270.00 --
Independent Claims	9-3	=	6	X	\$42	\$84	=	\$ --	\$ 504.00 --
Multiple Dependent Claims Presented: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					\$140	\$280		\$ ---	\$ 280.00
					BASIC FEE			\$ 370.00	\$ 740.00
					TOTAL FEE				\$1,794.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tsien *et al.* Art Unit: Unassigned
Application No.: To be assigned Examiner: Unassigned
Filed: Herewith
Title: TANDEM FLUORESCENT PROTEIN CONSTRUCTS

Box PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821(f) and (g)


Sir:

I hereby state, as required by 37 C.F.R. § 1.821(f), that the information recorded in computer readable form is identical to the written sequence listing.

I hereby state that the submission, filed in accordance with 37 C.F.R. § 1.821 (g), herein does not include new matter.

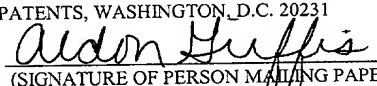
Respectfully submitted,

Date: January 25, 2002


Lisa A. Haile, J.D., Ph.D.
Reg. No. 38,347
Telephone: (858) 677-1456
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<u>ALDON GRIFFIS</u> (TYPED OR PRINTED NAME OF PERSON MAILING PAPER)	 (SIGNATURE OF PERSON MAILING PAPER OR FEE)

In re Application of:
Tsien et al.

Application No.: 09/396,003

Filed: September 13, 1999

Page 2

PATENT

Attorney Docket No.: REGEN1260-2

Enclosed is Check No. 499480 in the amount of \$110.00; which consists of the fee for One (1) Month Extension of Time. The Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 50-1355. A copy of this Petition Sheet is enclosed.

Respectfully submitted,

Date: January 25, 2002



Lisa A. Haile, J.D., Ph.D.

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USPTO Customer Number 28213

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